

1. ENFORCEMENT

Assessment of request from the City of Ottawa to the Government of Canada and the Province of Ontario:

"The following resources are required on an urgent basis: 1000 regular officers, 600 public order officers, 100 investigative officers, 100 civilian staff, and all supporting resources. This includes, cyber investigative capacity, digital and social media forensics, and financial forensics."

The broad request at both levels of government is without specifics and is almost impossible to meet until details are worked out. Given other operational demands faced by the RCMP, OPP and other police services across Ontario, there is a requirement to understand the specific resources needed and the objectives the Ottawa Police Service (OPS) is trying to achieve, prior to providing any additional resources. There is a strong reluctance to commit such resources without these details, however, we will not compromise officer and public safety on the ground.

To provide an informed response, the Ontario Provincial Police (OPP) has established an Integrated Planning Cell that has been mandated with reviewing the Ottawa Police Service (OPS) plan to deal with the protest, and assessing the resources necessary to effectively implement this plan.

The number of resources – police and civilian – and skill sets required need to be assessed against the detailed implementation plan, which has not been fully shared, to ensure that what is being provided by the RCMP, OPP, and other police services will truly meet the needs of the OPS.

The officials assigned to the Integrated Planning Cell understand the need to conduct this work in a very timely manner. However, the assessment is contingent on the required details being provided by OPS. However, to date these details have been extremely vague and not in a structured plan. More work is required as this is a very dynamic and evolving exercise.

Planning for other protests across Ontario, including current protests in Windsor, Toronto, Sarnia and various other locations, the OPP has three regional hubs positioned across the province to ensure resources are strategically dispersed to municipalities as requests for assistance are made to the OPP.

OPP has also taken full responsibility of all Ontario Public Order Unit deployments, based on intelligence and priority setting.

Strategic Enforcement Options:

There is an opportunity to take decisive enforcement action where commercial trucks or other vehicles are involved as part of an unlawful protest/demonstration:

A. Police

1. Issue tickets for each vehicle in contravention of provisions of applicable legislation and/or where drivers fail to comply with police requests/direction.
2. Conduct surveillance, gather plate numbers and driver information of all vehicles involved and pass on to Provincial authorities.
3. Tow, impound and in some cases seize implicated vehicles.

B. Provincial Transportation Authorities

1. Support local law enforcement in managing vehicle flows by, for example, conducting roadside safety and emissions inspections with maximum penalties for infractions (e.g. fines or impounding vehicles)
2. Use, or establishment, of provincial emergency legislation creating additional offences for illegal blockades (e.g. as in Nova Scotia and Alberta).
3. Assess surveillance data to determine if further investigation/audit warranted related to the Commercial Vehicle Operators Registration.

Additional considerations for truck drivers beyond those that might apply to drivers of typical passenger vehicles, notably:

- *Class 1 (Class A) Driver Licence*
 - Licence can be suspended due to convictions for serious criminal code infractions related to driving (impaired driving, dangerous driving causing injury, death etc.)
 - Licence can also be suspended due to a large accumulation of demerit points
- *Commercial Motor Carrier Profile (e.g. referred to in Ontario as Commercial Vehicle Operator's Registration (CVOR) certificate)*
 - CVOR is issued to the company (including an owner-operator) and under the certificate is a carrier safety rating
 - Safety rating can be impacted by convictions related to driving/safety under the criminal code, highway traffic act, failed inspections, and other safety incidents.
 - Each driver under a CVOR also has a driver abstract that is similarly impacted by the above and affects the carrier rating
 - Carrier ratings and driver profiles/abstracts are available to the public and affect cost and availability of insurance.

Border-Related Enforcement Options

- Trusted Trader Programs – CBSA could offer to explore the status of any commercial operator involved in protest for current and future trusted trucking programs. Stripping people of access to the program could have a material impact. CBSA is assessing implications for membership. The good character clause still applies, and the ability to leverage this requirement may present consequences for drivers, carriers or other

entities. The border protests in Southern Ontario and Southern Alberta has involved mostly individuals with very few commercial operators engaged in the activity.

- Trusted Traveller Program – similarly, CBSA will explore the good character clause for travellers enrolled or applying for membership in the NEXUS program. This tool may be leveraged against members who are identified in committing offences related to impeding international border crossings.
- Designated International Trade Corridor – consider expanding the ‘customs controlled area’ concept to designate a highway or other area as a designated international trade corridor that would provide law enforcement with specific authorities to ensure the safe and unrestricted flow of international goods and conveyances. Consequences for impeding flow could involve application of AMPs, removal of Customs Bond for carriers, or other sanctions as appropriate.
- Revocation of Support Benefits – examine the authorities to revoke and recover COVID support payments to persons, business and other entities involved in disrupting border trade.

2. ENGAGEMENT PLAN

Engagement with Protesters

- Given this remains by and large a law enforcement issue, we recommend that engagement with demonstrators continue to be the responsibility of the City and managed by the City.
- Engagement could open lines of communication, signal willingness to listen, and create leverage to move protestors out.
- The federal government can assist the provinces and cities with aligning communications to protestors about “maximum enforcement” and the consequences.
- Could expand engagement to include municipal, provincial and federal senior officials, through a video call (that would be recorded) – suggestion this take place prior to the weekend.
- DM of PS and NSIA are meeting with senior levels of the City of Ottawa daily. Engagement could be expanded to include the Federation of Canadian Municipalities or mayors of big cities to share lessons learned and consistent approach if/when provincial engagement appears ineffective.
 - The Chief continues to communicate publicly his view that OPS lacks resources to effectively manage the situation. This may be somewhat true but may also be a strategic tactic and may need to be managed.
- Tripartite meeting being organized for **tomorrow Feb 10**.

International Engagement

- CBSA is fully engaged with U.S. Customs and Border Protection (CBP) locally, and at the national level to manage the situation along the border. In particular, they are monitoring Ambassador Bridge, Sarnia and Coutts.
- s.38 [REDACTED]
- Recommend enhanced engagement with U.S. counterparts through available channels.
- PS and Department of Homeland Security officials meeting tomorrow as part of a regular table on cross-border issues – the convoy protest will be the topic.

3. ONTARIO ENGAGEMENT

- DM PS is leading engagement via the Federal/Provincial/Territorial (FPT) forum. An FPT table of DMs of Public Safety and Transportation met on **Monday Feb 7** and discussed a national and coordinated strategy built upon “maximum and strategic enforcement” using **any and all tools** available at all 3 levels of government.
- Ministers Mendicino and Leblanc spoke with Premier Ford **today Feb 9** to discuss federal government support. Mendicino also spoke with Ontario Minister Sylvia Jones – commitment confirmed to have Minister Jones participate in tripartite meetings.
- DM IGA spoke to his counterpart in Ontario **today Feb 9**.

4. FINANCIAL LEVERS

Overview

The following provides options for consideration in order to maintain the integrity of the financial sector including for example, funding activities that cause significant harm to the economy. The options consider the tools needed to ensure that the source of funds of financial transactions are legitimate and the integrity of Canada's financial sector is protected.

Option 1: Proceeds of Crime (Money Laundering) and Terrorist Finance Act (PCMLTFA)

Recent activities have highlighted that certain entities such as crowdfunding platforms (e.g., GoFundMe, Patreon, etc.) and some payments processors (e.g., PayPal, Square, Moneris, Stripe, etc.) are not currently captured under the PCMLTFA. The risks associated to crowdfunding platforms and payments processors have already been assessed as being medium and high respectively in the government's most recent update to the *Assessment of Inherent Risks of Money Laundering and Terrorist Risks in Canada*.

The PCMLTFA could be broadened to cover crowdfunding platforms and all payment processors. While broadening the coverage would not modify any powers of the Minister or FINTRAC nor change the purpose of the Act; it would however ensure that these entities are subject to obligations under the PCMLTFA which include:

- Customer due diligence, such as verifying the identity of persons and entities involved in certain transactions.
- Recordkeeping, including related to accounts, transactions, and client identification.
- Reporting to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), including large value (above \$10,000) and suspicious transactions.

As such, extending PCMLTFA requirements to crowdfunding activities and payment processors facilitating crowdfunding would help mitigate risks that these platforms receive illicit funds, increase the quality/quantity of intelligence received by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), and make more information available to support investigations by law enforcement. While foreign crowdfunding platforms and PSPs would be captured, enforcement of regulatory requirements under the PCMLTFA would be limited. For example, there will be no compliance exams conducted outside of Canada and ability to enforce administrative monetary penalties (AMPs) will be restricted. However, similar to requirements for foreign money services businesses, there is a requirement for registration with FINTRAC and to have an officer/office in Canada. In addition, enforcement based on this intelligence produced by FINTRAC will fall to the RCMP and other policing bodies which already have high demand for their resources.

Next Steps:

Will come forward to the Safety, Security and Emergencies Cabinet Committee for consideration before going to full Cabinet for a decision.

Option 2: Bank Act

Although more work is needed to scope the proposal and assess its legal, social and economic implications, the second measure would leverage your responsibility over the banking sector. It would involve creating a new authority in the *Bank Act* that would enable the Governor in Council to issue binding directives to banks in cases where the Minister of Finance is of the opinion that such an order would be necessary to maintain the strength and security of the national economy, and/or to protect Canada's national security and the safety of Canadians.

One option would be to provide the Governor and Council with a broad authority that includes the ability to direct banks to suspend the access of specific individuals or entities to their account (e.g. freeze the account). While this could be effective in targeting specific individuals and entities affecting the strength and security of the national economy, Justice Canada indicates this option raises significant Charter and evidentiary legal issues.

For instance, this option could require the Governor of Council to obtain and assess evidence related to specific individuals or entities and ensure that the measure is justifiable under the Charter's privacy, freedom of expression and protection against search and seizure rights. The RCMP also indicates that it may be challenging to have access to and share information from local police forces.

In light of these difficulties, we have developed another option that is directed at banks and their operations. This option would provide the Governor in Council with a general authority which could be used to direct banks to conduct a review of their existing business relationships to ensure that those business relationships do not further the activities related to those threatening the economy and do not undermine the integrity of the financial sector. The measure could provide banks with the ability to suspend access to accounts on a temporary basis (e.g. the duration of the GIC order) if they suspect an account is being used to further an illegal activity.

The amendments would include a number of safeguards to ensure procedural fairness (e.g., publication in the Canada Gazette, right to make representations, appeal to the federal court) as well as to ensure that the new authority is exercised in a manner proportionate to achieving the intended purpose (e.g., effect of the directive would be time-limited).

Amendments to other statutes could be necessary to ensure that law enforcement agencies are authorized to provide banks with the information they need to comply with the terms of the order.

Considerations

These measures would set a precedent in the banking system and banks and consumers are likely to raise concerns. Canadians generally expect to have access to their funds except in very exceptional circumstances (e.g. as a result of a court order or the Canada Revenue Agency asking for a freeze). This would create an additional exception that may undermine Canadians confidence in their banks as a safe place to keep their deposits. Some Canadians may also see interference in their banking relationships, for what may not be illegal activity sanctioned by an independent tribunal, as an overreach by the Government. Banks may also feel that they are being used to fulfill public safety role that would be better exercised by police and security forces.

5. FEDERAL NARRATIVE

Overview

Considering the rapidly changing environment related to the demonstrations across Canada, there is a need for the Government of Canada to continue to provide a consistent narrative about its role, the supports provided and the importance of collaboration and unity among all levels of government to seek to resolve the evolving situation.

Key messages

- The Federal Government is very concerned about the illegal occupations occurring across the country. We understand that Canadians are frustrated with the pandemic and they are tired but this is no excuse to act illegally to try and force things to change. This is not how a democratic country works.
- We have worked very closely with the Provincial and Territorial leaders, public health officials and Canadians across this country over the past two years to try to protect us from the health, social and economic impacts of COVID on all of us. This has not been easy and it has quite frankly it has been exhausting.
- What we are now seeing, is unfortunately a very real demonstration of this frustration and exhaustion, but illegal actions are not the answer.
- We are seeing the images of our Capital city across the country and internationally that call into question our ability to keep the peace and keep our Citizens safe – this is unacceptable.
- It is very important for Canadians and our international partners to understand this - the business of governing the country continues. The presence of these trucks and illegal occupiers in the streets of the City of Ottawa will not deter us from continuing our work in Parliament daily on behalf of Canadians.
- We are seeing the blockades in Coutts Alberta and on the Ambassador Bridge that are resulting in very real economic instability not only for these cities, but for all Canadians as our supply chain is impacted and our economy suffers.
- As the Federal Government, we will continue to work with the Provincial leaders and their teams, as well as municipal leaders to support them in enforcing the law and to bring these illegal occupations to an end.
- Across this country we recognize and sympathize with the challenges the citizens of these cities have faced because of these illegal actions, as well as the sacrifices made by all Canadians throughout this pandemic.
- For those of you thinking of joining these illegal protests, we strongly suggest that you reconsider. We are calling on everyone to not jeopardize public peace or endanger yourselves

or others by participating in purposefully illegal activities. There will be consequences for all criminal behavior related to the ongoing situations in Ottawa and across the country.

- On COVID, we have learned a lot from science throughout this pandemic and we will continue to rely on the advice of our public health specialists in the coming weeks and months to help us chart our next course to deal with these challenges as we look to live with COVID.

- These illegal actions simply take time, energy, and focus away from the important work that is needed to chart this course.